

**REMARKS**

In response to the objections to the claims (par. 1 of the Office Action) and the rejection of the claims under 35 U.S.C. 112, the claims have been amended to provide clear antecedent basis for the terms therein and to overcome the noted objections. For example, claim 1, as amended, recites that the horse has a front part and a rear part and that the hind leg comprises a cannon with a rear part, a bended limb joint, a fetlock joint and a hoof. Claims 1-5 and 7-10 were amended in this Amendment. Applicant submits that each of claims 1-10 is definite and particularly points out and distinctly claims the invention.

In the last Office Action, claims 1, 6 and 7 were rejected as being anticipated by Pellew. Applicant submits that the Examiner's analysis of Pellew is in error. There is no "rigid casing" as defined in claim 1 taught in Pellew. As stated in Pellew in col. 2 at lines 14-17, "The outer layer may be of canvas but preferably is of a synthetic material most preferably a fine nylon netting which has been coated with polyvinyl-chloride. The inner layer is preferably imitation (synthetic) sheepskin". Canvas is not a "rigid" material. Further, at col. 3, lines 13-23, it is made evident that the outer layer 18 of pad 14 is flexible to ensure that the limb movements of the quadruped are not hindered. There is in fact no similarity between the claimed rigid casing in applicant's protective device and the flexible pad 14 with flexible outer layer 18. Claim 1 is patentable over Pellew and should be allowed.

Claims 6 and 7 which depend from claim 1 should be allowed together with claim 1. As to claim 6, the plastic casing 16 is flexible enough to deform and deaden shocks, but nonetheless strong enough not to break or crack, while at the same time being able to withstand variations in

temperature, e.g., between -20°C and +45°C. The person skilled in the art would recognize that the rigid casing made of fibre-reinforced polymer of claim 7 is unlike the PVC-coated nylon mesh or netting of Pellew. An unexpected effect of the present invention which uses a rigid casing is that sufficient mobility of the hind leg is maintained to make the horse feel at ease during transportation, while the protection of the most sensitive parts of the hind leg increases dramatically. Dependent claims 6 and 7 define patentable subject matter and should be allowed with claim 1.

Claims 2-5 and 8-10 were rejected as being unpatentable over Pellew in view of McKenzie. The shortcomings of Pellew are not overcome by McKenzie. The horse-boot of McKenzie is designed for the fore leg of a horse. Consequently, the restraining straps are placed at the rear part of the fore leg. Further, the fore leg bending is not the same way as that of the hind leg. Thus, the rigid casing cannot bear above the limb joint and accordingly, the articulated part can not bear a part of the weight of the protection device to reduce the pressure above the limb joint. The teachings of Pellew and McKenzie diverge. No basis is found in the references themselves for the combination proposed by the Examiner. Claims 2-5 and 8-10 patentably distinguish over the combination of Pellew and McKenzie proposed by the Examiner and should be allowed.

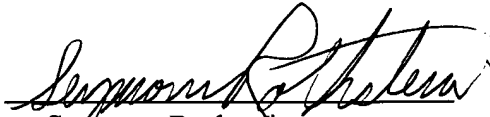
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Favorable reconsideration and allowance of claims 1-10 are solicited.

Respectfully submitted,


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I hereby certify that this paper and its attachments are being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 Box , on July 2, 2004.

  
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